

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FIERMAN PRODUCE EXCHANGE, INC.

against

Plaintiff(s), Petitioner(s)

ATTORNEY: Kreinces & Rosenberg, P.C.

Index No.: 07 CV 2927 (RO)

WATERMELONS PLUS INC, ET AL.

Defendant(s), Respondent(s)

AFFIDAVIT OF SERVICE

STATE OF N.Y.: COUNTY OF NASSAU: ss:

I, Christopher J. Klein, being duly sworn according to law upon my oath, depose and say, that deponent is not a party to this action, is over 18 years of age and resides in Flushing, NY.

That on **July 28, 2007 at 5:37 PM at 766 Sherwood St., Private house, N. Woodmere, NY 11598**, deponent served the **Amended Summons in a Civil Action & Amended Complaint** upon **Michael J. Pagano**, (Defendant/Respondent) herein known as Recipient.


Said service was effected in the following manner;

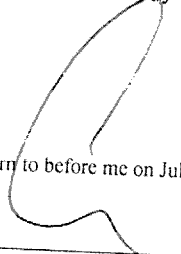
By affixing and taping a true copy of each to the entrance door of said property, which is Recipient's place of residence within the state. Deponent was unable, with due diligence to find Recipient or a person of suitable age and discretion thereat, having attempted service at said address on the following notations; 7/25/07@ 6:46am, 7/26/07@ 10:38pm, 7/27/07@ 9:21am

On **July 29, 2007**, after delivery of process was effected, deponent enclosed an additional true and attested copy of same in postpaid envelope addressed to the Recipient at Recipient's place of residence in an official depository under the exclusive care of the United States Postal Service within New York State. The envelope bore the Legend "Personal & Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the Recipient.

I asked the person spoken to, Mrs Wells, Neighbor, a person who resides at 760 Sherwood St., N. Woodmere, NY 11598, if the Recipient was in active military service of the United States or the State of New York in any capacity and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the Recipient is not in the military service of New York State or the United States as that term is defined in the statutes of New York State or the Federal Soldiers and Sailors Civil Relief Act.

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
Christopher J. Klein, License No. 1188546

  
Sworn to before me on July 30, 2007

Alan Leibowitz  
Notary Public, State of New York  
Registration No. 01LE6029931  
Qualified in Nassau County  
Commission Expires August 30, 2009

Ultimate Process Service (516) 333-3447  
Case No.: 81546